

# Decision Schedule

## Licensing Sub-Committee

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TO ALL MEMBERS OF NEWPORT CITY COUNCIL

**Decision Schedule published on 28 September 2020**

The Licensing Sub-Committee took the following decisions on 28 September 2020, which became effective immediately.

Councillors: J Hughes (Chair), Yvonne Forsey, Joan Watkins

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**LIC SUB 03/20**

### Decision

#### **Review of Premises License under Section 51 Licensing Act 2003, The Courtyard, 46-50 Cambrian Road, Newport, NP20 4AB.**

Newport City Council's Licensing Sub-Committee considered an application by Newport City Council Trading Standards to review the premises license of The Courtyard, 46 – 50 Cambrian Road Newport. The Sub-Committee considered both written and oral submissions by Newport City Council Trading Standards, Gwent Police, and Aneurin Bevan Health Board. It also heard from Mr. Matthew Phipps, solicitor, who represented the Courtyard, and the License holder and DPS Mr Harris.

- It was clearly evident to the Committee after watching CCTV and the social media clip that on the 24<sup>th</sup> July 2020 and 25<sup>th</sup> July 2020 the premises was operating as nightclub contrary to the Health Protection (coronavirus regulations) Wales 2020.
- The Committee felt that the premises was fully aware they were unable to operate as a nightclub in line with Health Protection (Coronavirus Regulations) Wales 2020. This view is supported by the premises own Social media webpage, and the fact that the premises received advice from the Council's Licensing Manager who informed them that they could not operate as a nightclub.
- On both the evenings in question, the premises stated that the DPS and all the management were on the front door in an attempt to ensure that the queue adhered to social distancing rules. However, the Committee did not accept that the management of the premises was not aware of what was happening in other parts of the premises.
- The Committee also felt that in providing both disco lights/mood lights, a dance floor, and loud DJ music, the premises encouraged people to dance. Instead of playing chilled out music as advertised, the premises played music more associated with a nightclub as evidenced in the social media clip submitted by Trading Standards. This was compounded by further social media evidence which showed a photo of a packed dance floor with the words "it was meant to be a quiet one".

- It was also noted from the CCTV evidence that door staff were present in the dance floor area, and did little or nothing to prevent customers from adhering to social distancing rules at tables or on the dance floor itself. Indeed, one clip showed a member of the door staff seemingly endorsing what was taking place on the dance floor.
- The Committee accepts that since 25<sup>th</sup> July 2020 the premises has not operated as a nightclub, as further inspections have indicated that the premises has been broadly compliant with the Covid-19 regulations. However, the Committee concluded that compliance was, at least in part, due to the fact that the premise was aware it was being investigated by Trading Standards after they requested CCTV footage.
- Although the Committee took on board that the premise conceded that “they simply got it wrong”, it begged the question, and asked itself, why would a responsible premises license holder get something so drastically wrong on one night, and continue in the same vein on the following night. The committee concluded that the management of the premises was fully aware of what was happening on the premises, and had no consideration for its staff or its customers’ safety, nor indeed the impact it may have on the broader community as highlighted by the submissions from the health board.
- The Committee appreciated that although these are unprecedented and challenging times, it considered that any reasonable person who viewed the footage presented in evidence would have been shocked and extremely disappointed by the total irresponsibility displayed at the premises in the context of the pandemic. The Committee therefore decided as follows having the four licensing objectives in mind.
  1. The actions of the Premises on the 24<sup>th</sup> & 25<sup>th</sup> July 2020 clearly undermined two of the four Licensing Objectives namely Crime and Disorder and Public Safety, in that it blatantly operated as a nightclub and in an extremely irresponsible manner contrary to Covid 19 regulations.

The Committee considered all options available and, having heard all the evidence presented, decided to suspend the Courtyard’s premises license for a period of **three months**.

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## **Consultation**

**Implemented by:** 28<sup>th</sup> September 2020

**Implementation Timetable:** Immediate

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